

The objection to Claims 10-11 because of minor informalities is respectfully traversed. Claims 10-11 have been amended in response to the informalities noted in the Office Action. Accordingly, Applicants respectfully request that the objection to Claims 10-11 be withdrawn.

The rejection of Claim 10 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Applicants have amended Claim 10 to address this rejection. Accordingly, Applicants respectfully request that the rejection of Claim 10 under Section 112, second paragraph, be withdrawn.

As explained below in greater detail, with respect to the Sections 102 and 103 rejections included in the Office Action, Applicants respectfully submit that neither Pinard nor Burgess, considered alone or in combination, describe or suggest an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Although Burgess mentions an availability status indicator or an availability time indicator, Burgess does not describe nor suggest an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Rather, the availability status indicator and the availability time indicator described in Burgess merely shows whether the operator is available, and, if not available, when the operator will return to be available.

The rejection of Claims 1, 2, 4-6, 8, 13-15, 17-18, 20-31, 33, and 36-40 under 35 U.S.C. § 102(e) as being anticipated by Pinard et al. (U.S. Patent No. 6,230,287) ("Pinard") is respectfully traversed.

Pinard describes a web based help desk (12) that includes a web server (72) having memory storing a help desk web page. Web server (72) allows remote user computers (20, 22) to access web server (72) via an internet or intranet connection thereby to access and display the help desk web page. A plurality of computers (74), operated by support specialists, are in communication with web server (72) to allow support specialists to communicate with remote users requiring support. The support specialists are selectable through the web page. A support specialist status application (88) monitors the status of the support specialists and remote users

requesting support and prompts web server (72) to establish a connection between a support specialist and a remote user when a support specialist becomes available.

Claim 1 recites a method for indicating expert availability from a pool of experts using a client system - server system, wherein the method includes “displaying expert information including expert availability information on the client system through an applet downloaded from the server system when a user calls upon an expert to seek assistance, the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user...and contacting the expert based on user selected expert information input into the client system.”

Pinard does not describe nor suggest a method for indicating expert availability from a pool of experts using a client system - server system that includes displaying expert information including expert availability information on a client system through an applet downloaded from the server system when a user calls upon an expert to seek assistance wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user, and contacting the expert based on user selected expert information input into the client system.

More specifically, Pinard does not describe nor suggest an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Rather, Pinard describes a web based help desk that includes a web server, and a plurality of computers that are operated by support specialists and are in communication with the web server, which allow the support specialists to communicate with remote users requiring support. Notably, Pinard does not describe nor suggest an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. In fact, the Office Action at page 9 provides that “Pinard does not explicitly disclose an expert availability indicator.” Accordingly, Applicants respectfully submit that Claim 1 is patentable over Pinard.

For the reasons set forth above, Claim 1 is submitted to be patentable over Pinard.

Claims 2, 4-6, 8, and 13-15 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2, 4-6, 8, and 13-15 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2, 4-6, 8, and 13-15 likewise are patentable over Pinard.

Claim 17 recites a system for indicating expert availability through an applet from a pool of experts that includes a server system, a client system configured with a browser and connected to the server system, and “a database comprising an expert pool comprising identification of experts and their availability, said server system configured to cause expert availability information in said database to be displayed on said client system through an applet when a user calls upon an expert to seek assistance, said expert availability information comprises an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time said expert spends assisting a user.”

Pinard does not describe nor suggest a system for indicating expert availability through an applet from a pool of experts that includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Rather, Pinard describes a web based help desk that includes a web server, and a plurality of computers that are operated by support specialists and are in communication with the web server, which allow the support specialists to communicate with remote users requiring support. Even the Office Action at page 9 provides that “Pinard does not explicitly disclose an expert availability indicator.” Accordingly, Applicants respectfully submit that Claim 17 is patentable over Pinard.

For the reasons set forth above, Claim 17 is submitted to be patentable over Pinard.

Claims 18, 20-31, 33, and 36-40 depend, directly or indirectly, from independent Claim 17. When the recitations of Claims 18, 20-31, 33, and 36-40 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18, 20-31, 33, and 36-40 likewise are patentable over Pinard.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1, 2, 4-6, 8, 13-15, 17-18, 20-31, 33, and 36-40 be withdrawn.

The rejection of Claims 3 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Pinard et al. (U.S. Patent No. 6,230,287) ("Pinard") is respectfully traversed.

Pinard is described above.

Claim 3 depends from independent Claim 1. Claim 1 recites a method for indicating expert availability from a pool of experts using a client system - server system, wherein the method includes "displaying expert information including expert availability information on the client system through an applet downloaded from the server system when a user calls upon an expert to seek assistance, the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user...and contacting the expert based on user selected expert information input into the client system."

Pinard does not describe nor suggest a method for indicating expert availability from a pool of experts that includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Rather, Pinard describes a web based help desk that allows support specialists to communicate with remote users requiring support. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Pinard.

When the recitations of Claim 3 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 3 likewise is patentable over Pinard.

Claim 19 depends from independent Claim 17. Claim 17 recites a system for indicating expert availability through an applet from a pool of experts that includes a server system, a client system configured with a browser and connected to the server system, and "a database comprising an expert pool comprising identification of experts and their availability, said server system configured to cause expert availability information in said database to be displayed on

said client system through an applet when a user calls upon an expert to seek assistance, said expert availability information comprises an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time said expert spends assisting a user.”

Pinard does not describe nor suggest a system for indicating expert availability through an applet from a pool of experts that includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Rather, Pinard describes a web based help desk that allows support specialists to communicate with remote users requiring support. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Pinard.

When the recitations of Claim 19 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claim 19 likewise is patentable over Pinard.

Furthermore, Applicants respectfully submit that the Section 103 rejection of Claims 3 and 19 is not a proper rejection. The mere assertion that such an apparatus would have been obvious to one of ordinary skill in the art does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art, and Applicants given an opportunity to challenge the correctness of the assertion or the repute of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection. Therefore, Applicants respectfully request that the Section 103 rejections be withdrawn.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 3 and 19 be withdrawn.

The rejection of Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Pinard et al. (U.S. Patent No. 6,230,287) (“Pinard”) is respectfully traversed.

Pinard is described above.

Claim 7 depends from independent Claim 1. Claim 1 recites a method for indicating expert availability from a pool of experts using a client system - server system, wherein the method includes “displaying expert information including expert availability information on the client system through an applet downloaded from the server system when a user calls upon an expert to seek assistance, the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user...and contacting the expert based on user selected expert information input into the client system.”

Pinard does not describe nor suggest a method for indicating expert availability from a pool of experts that includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Rather, Pinard describes a web based help desk that allows support specialists to communicate with remote users requiring support. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Pinard.

When the recitations of Claim 7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 7 likewise is patentable over Pinard.

Furthermore, Applicants respectfully submit that the Section 103 rejection of Claim 7 is not a proper rejection. The mere assertion that such an apparatus would have been obvious to one of ordinary skill in the art does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art, and Applicants given an opportunity to challenge the correctness of the assertion or the reputation of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection. Therefore, Applicants respectfully request that the Section 103 rejections be withdrawn.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 7 be withdrawn.

The rejection of Claims 16 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Pinard et al. (U.S. Patent No. 6,230,287) ("Pinard") is respectfully traversed.

Pinard is described above.

Claim 16 depends from independent Claim 1. Claim 1 recites a method for indicating expert availability from a pool of experts using a client system - server system, wherein the method includes "displaying expert information including expert availability information on the client system through an applet downloaded from the server system when a user calls upon an expert to seek assistance, the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user...and contacting the expert based on user selected expert information input into the client system."

Pinard does not describe nor suggest a method for indicating expert availability from a pool of experts that includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Rather, Pinard describes a web based help desk that allows support specialists to communicate with remote users requiring support. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Pinard.

When the recitations of Claim 16 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 16 likewise is patentable over Pinard.

Claim 32 depends from independent Claim 17. Claim 17 recites a system for indicating expert availability through an applet from a pool of experts that includes a server system, a client system configured with a browser and connected to the server system, and "a database comprising an expert pool comprising identification of experts and their availability, said server system configured to cause expert availability information in said database to be displayed on

said client system through an applet when a user calls upon an expert to seek assistance, said expert availability information comprises an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time said expert spends assisting a user.”

Pinard does not describe nor suggest a system for indicating expert availability through an applet from a pool of experts that includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Rather, Pinard describes a web based help desk that allows support specialists to communicate with remote users requiring support. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Pinard.

When the recitations of Claim 32 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claim 32 likewise is patentable over Pinard.

Furthermore, Applicants respectfully submit that the Section 103 rejection of Claims 16 and 32 is not a proper rejection. The mere assertion that such an apparatus would have been obvious to one of ordinary skill in the art does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art, and Applicants given an opportunity to challenge the correctness of the assertion or the repute of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection. Therefore, Applicants respectfully request that the Section 103 rejections be withdrawn.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 16 and 32 be withdrawn.

The rejection of Claims 9-12 and 34-35 under 35 U.S.C. § 103(a) as being unpatentable over Pinard et al. (U.S. Patent No. 6,230,287) ("Pinard") in view of Burgess et al. (U.S. Patent No. 5,815,554) ("Burgess") is respectfully traversed.

Pinard is described above.

Burgess describes a timing system which permits an operator of the timing system to indicate to others who wish to interact with the operator whether the operator is currently available. If the operator of the device is unavailable, the timing system indicates at what time the operator will be available.

Claims 9-12 depend from independent Claim 1. Claim 1 recites a method for indicating expert availability from a pool of experts using a client system - server system, wherein the method includes "displaying expert information including expert availability information on the client system through an applet downloaded from the server system when a user calls upon an expert to seek assistance, the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user...and contacting the expert based on user selected expert information input into the client system."

Neither Pinard nor Burgess, considered alone or in combination, describe or suggest a method for indicating expert availability from a pool of experts that includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user.

Rather, Pinard describes a web based help desk that allows support specialists to communicate with remote users requiring support; and Burgess describes a timing system that permits an operator of the timing system to indicate to others who wish to interact with the operator whether the operator is currently available, or, if the operator of the device is unavailable, the timing system indicates at what time the operator will be available.

Although Burgess mentions at column 13, lines 9-10 that the system provides a “remote access of the availability status indicator or availability time indicator”, Burgess does not describe nor suggest an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Rather, the availability status indicator and the availability time indicator described in Burgess merely shows whether the operator is available, and, if not available, when the operator will return to be available. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Pinard in view of Burgess.

When the recitations of Claims 9-12 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 9-12 likewise are patentable over Pinard in view of Burgess.

Claims 34-35 depend from independent Claim 17. Claim 17 recites a system for indicating expert availability through an applet from a pool of experts that includes a server system, a client system configured with a browser and connected to the server system, and “a database comprising an expert pool comprising identification of experts and their availability, said server system configured to cause expert availability information in said database to be displayed on said client system through an applet when a user calls upon an expert to seek assistance, said expert availability information comprises an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time said expert spends assisting a user.”

Neither Pinard nor Burgess, considered alone or in combination, describe or suggest a system for indicating expert availability through an applet from a pool of experts that includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user.

Rather, Pinard describes a web based help desk that allow the support specialists to communicate with remote users requiring support; and Burgess describes a timing system that permits an operator of the timing system to indicate to others who wish to interact with the

operator whether the operator is currently available, or, if the operator of the device is unavailable, the timing system indicates at what time the operator will be available.

Although Burgess mentions at column 13, lines 9-10 that the system provides a "remote access of the availability status indicator or availability time indicator", Burgess does not describe nor suggest an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Rather, the availability status indicator and the availability time indicator described in Burgess merely shows whether the operator is available, and, if not available, when the operator will return to be available. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Pinard in view of Burgess.

When the recitations of Claims 34-35 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 34-35 likewise are patentable over Pinard in view of Burgess.

In addition to the arguments set forth above, Applicants also respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Pinard using the teachings of Burgess. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte

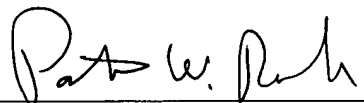
Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Neither Pinard nor Burgess, considered alone or in combination, describe or suggest the claimed combination. Rather, the present Section 103 rejection appears to be based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion for the combination of Pinard and Burgess, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 9-12, and 34-35 be withdrawn.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 9-12, and 34-35 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Grewal et al.

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Art Unit: 3623

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Serial No.: 09/610,927

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Examiner: Romain Jeanty

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Filed: July 6, 2000

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For: WEB-BASED METHOD AND
SYSTEM FOR INDICATING
EXPERT AVAILABILITY

:

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SUBMISSION OF MARKED UP CLAIMS

Hon. Commissioner for Patents
Washington, D.C. 20231

Submitted herewith are marked up Claims in accordance with 37 C.F.R. 1.121(c)(1)(ii).

IN THE CLAIMS

1. (once amended) A method for indicating expert availability from a pool of experts using a client system - server system, said method comprising the steps of:

connecting the client system to the server system;

accessing a database within the server system comprising a pool of experts, the experts pool further comprising identification of experts and their availability;

displaying expert information including expert availability information on the client system through an applet downloaded from the server system when a user calls upon an expert to seek assistance, the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user; and

contacting the expert based on user selected expert information input into the client system.

10. (once amended) A method according to Claim [1] 9 wherein said step of displaying expert information through an expert availability indicator further comprises the step of displaying availability information through an applet implemented [in at least one of] through a well known programming language including at least one of [such as] Java, C, and C++.

11. (once amended) A method according to Claim [1] 9 wherein said step of displaying expert information through an expert availability indicator further comprises the step of tracking expert availability.

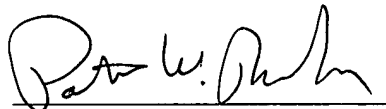
17. (once amended) A system for indicating expert availability, through an applet, from a pool of experts, said system comprising:

a server system;

a client system configured with a browser, said client system connected to said server system; and

a database comprising an expert pool comprising identification of experts and their availability, said server system configured to cause expert availability information in said database to be displayed on said client system through an applet when a user calls upon an expert to seek assistance, said expert availability information comprises an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time said expert spends assisting a user.

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